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PRACTICAL STEPS FOR CANADIAN POLICY DEVELOPMENT ON NUCLEAR WEAPONS ISSUES

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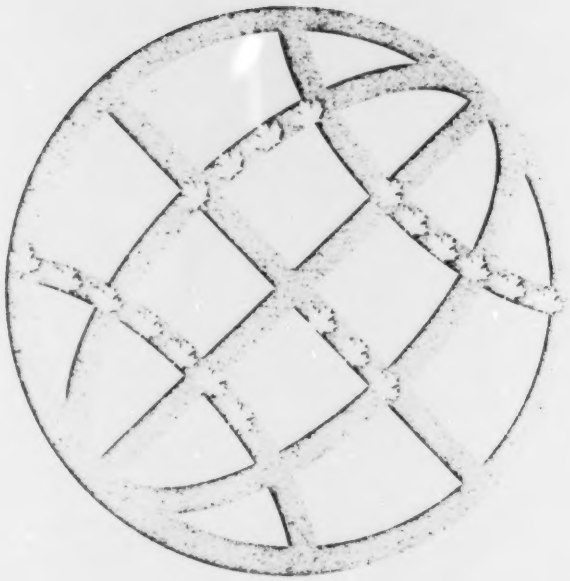
Physicians for Global Survival



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Practical Steps for Canadian Policy Development on Nuclear Weapons Issues:
Summary Report

27 March 1998

Several themes concerning Canadian policy development on nuclear weapons emerged from the seminar. One theme was enhancing the public role in the development of nuclear weapons policy by way of conferences, negotiations, fora, advisory groups, and public opinion consultations. As a second theme, there was strong interest in an active Canadian leadership regarding, *inter alia*, the Strategic Concept review of NATO, a policy of no first use, de-alerting of nuclear weapons, clarification on the International Court of Justice (ICJ) Advisory Opinion regarding no first use, the Non-Proliferation Treaty (NPT), nuclear-free zones, assistance to Russia, stronger international law, and flexible coalitions. Third, the middle powers (Canada) should initiate a special role in promoting nuclear disarmament, the NPT, and no first use in NATO. Finally, the government should provide more information about the ICJ advisory opinion, NATO obligations, the NPT, and the rule of law, incuding at the same time better co-ordination of information, education and perspectives between DFAIT and DND.

In addition, the seminar raised issues such as the role and nature of civil society, sanctions as an enforcement mechanism to promote nuclear disarmament, the relationship between the Arctic, submarines and nuclear issues, and the discussion of foreign policy issues during federal election campaigns.

Four working groups on the NPT (Tariq Rauf, Chair), NATO's Strategic Concept review (André Ouellette, Chair), de-alerting and no first use (Ernie Regher, Chair), and NATO and civil society (Mary Wynne Ashford, Chair) prepared recommendations for Canadian foreign policy in these areas.

Policy recommendations:

Regarding the NPT, Canada should (among other recommendations):
- support the creation of a body of international law on nuclear disarmament and strengthen existing bodies in this field;
- encourage nuclear weapon states to talk "nuclear disarmament;"
- pursue a visible initiative on nuclear non-proliferation, based on the survey result that 92% of Canadians would support such an initiative;
- encourage an enhanced NGO access to the NPT Review Conference in 2000 and give an NGO delegation a seat at the table.

Regarding NATO's Strategic Concept review, Canada should:
- convene an expert group to investigate options for deactivation with the objective of presenting recommendations to the UN;
- present Canadian territory as a nuclear weapons-free zone;
- commission a study on no first use;

- involve the grassroots in the review process;
- call for an international conference that includes experts and NGOs before 2000.

Regarding de-alerting and no first use, Canada should:
- explicitly raise no first use within the NATO strategic review process and encourage NATO to adopt the measure;
- request clarification from the ICJ on the legality of first use in all circumstances;
- convene and host conferences and roundtables on no first use, with governmental and non-governmental experts from NATO, nuclear weapons states, Eastern Europe, and other interested states;
- encourage priority attention to de-alerting within the Russia-NATO Joint Council;
- have the verification unit study de-alerting with particular attention to viable means of verifying de-alert status;
- convene and host international conferences of governmental and non-governmental experts on de-alerting measures and verification;
- explore other options to stabilise the strategic nuclear environment, including proposals to make the Arctic an exclusion zone for attack submarines.

Regarding NATO and civil society, Canada should:
- pursue greater Canadian education and participation in policy-making by fostering citizen participation in NATO and nuclear policy decision-making, creating a website with postings about upcoming NATO decisions, news from the Conference on Disarmament, other background information about Canada's nuclear policy and NATO;
- produce a quarterly newsletter from Canada's Ambassador on Disarmament and public news releases on upcoming NATO decisions;
- provide funding to small, community-based groups to conduct public forums and education on NATO's nuclear policy, the International Court of Justice Advisory Opinion, and Article IV of the NPT;
- fund civil society links between Canada and Russia and between Canada and the US to build American public opinion to change NATO policy on nuclear weapons and to increase American public support for the UN;
- conduct a review of its nuclear policy and international obligations in light of the International Court of Justice Advisory Opinion and revise policies accordingly;
- become a leader in nuclear disarmament according to the model offered by Norway's role in the Middle East peace process;
- encourage study and consultations on the Model Nuclear Weapons Convention;
- support research into non-violent conflict resolution.

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A seminar co-sponsored by the Canadian Centre for Foreign Policy Development and the Canadian Network to Abolish Nuclear Weapons

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1 Opening Plenary

co-chairs: Joanna Miller, Ploughshares-Winnipeg; and Tariq Rauf, Monterey Institute

1.1 Setting the Context

Steven Lee, National Director, Canadian Centre for Foreign Policy Development (CCFPD), explained that the mandate of the Centre is to engage Canadians in thinking about, and developing, Canadian foreign policy. The seminar is very timely; it will be able to contribute to the parliamentary debate and to policy development in other fora currently underway. Ideas for policy options generated will be reported to the Minister, Department of Foreign Affairs and International Trade (DFAIT) officials and the House of Commons Standing Committee on Foreign Affairs. The seminar will also feed into the ongoing work of academics and international NGOs.

Doug Roche reported that the Canadian Network to Abolish Nuclear Weapons represents fifteen organizations from across the country specializing in nuclear disarmament issues. He observed that the seminar comes at an important moment both domestically - with a policy review underway by the Parliamentary Committee - and internationally. Moreover, Canada has recently asserted itself as a leader on the landmines issue. Though we have these opportunities, widely divergent views exist on how to achieve the elimination of nuclear weapons, so the seminar offers a timely opportunity to put forward some of the policy options.

Paul Meyer, Director of Regional Security and Peacekeeping, DFAIT, suggested that Canada's disproportionate influence in international security policy rests on the conceptual leadership that is a product of policy debates among interested sectors of Canadian society. Ideas generated through exchanges such as this provide the underpinning for an activist Canadian foreign policy.

1.2 NATO and the Strategic Concept Review

Dr. John Barrett, Policy Planning Unit, NATO Political Affairs Department

Agreement on revisions to the Strategic Concept is expected by March or April of 1999, to coincide with the Washington Summit scheduled for end of April 1999. The current Strategic Concept is based on the earlier MC 14 3, a review of which was launched by the London summit in 1990 and adopted at the Rome Summit in 1991. It takes a broad approach to security, reflecting changes associated with the fall of the Berlin Wall which offered NATO opportunities to protect its members by political as well as military means. It recognises that security and stability have, in addition to the defensive, economic, environmental, social and political dimensions, and, therefore, that managing the diversity of challenges requires a broad approach to security. The Strategic Concept identifies risks to Allied security as arising less from calculated aggression than from instability arising from economic, social and political difficulties, such as ethnic rivalries and territorial disputes. Risks are therefore multi-faceted and multi-directional and consequently difficult to assess and difficult to predict.

Reviewing the strategic and political environment of 1991, setting out alliance objectives and security functions, and then describing this new, broad approach to security, the 1991 Strategic Concept provided guidelines for defense and for revising the force posture based on the principles of collective defense and integrated military structure.

One of the reasons for updating the Strategic Concept now is that there have been many changes in the European security landscape since 1991. Some of these changes were raised in the 1994 Brussels and 1997 Madrid summits, the latter providing the mandate for the Strategic Concept review. It is not clear where the revision will lead, although the following changes, which have taken place since the present Strategic Concept was established, give some indication of the

direction in which it is moving.

- NATO has policies of outreach, cooperation and partnership under which the North-Atlantic Partnership Council, the recent Euro-Atlantic Partnership Council (with 44 member states), the Partnership for Peace, new relationships with Russia and the Ukraine, and the Mediterranean Cooperation Initiative have been established.

- NATO's political and military forces have been restructured and its conventional and nuclear forces downsized.

- NATO has made a commitment to support peacekeeping. It has also made a commitment to support the development of a European security and defense identity within NATO. It envisages supporting European allies in future peacekeeping operations lead by the Western European Union (WEU).

- With other states parties, NATO has undertaken to adapt the Conventional Forces Europe (CFE) Treaty; the process should be completed by the time of the Washington Summit.

- The expansion of NATO membership to the Czech Republic, Hungary and Poland is in the ratification stage.

- NATO has planned, deployed, conducted and lead most of the implementation force in Bosnia, working with forces from 20 non-NATO countries.

The revision process is now at the "brainstorming" stage; the committee responsible will not begin re-drafting until the fall. Some areas should receive particular attention in the review. NATO needs to set the right balance between the central alliance function - collective security - and its new missions, including peacekeeping in its defense planning and force posture. The various developments listed above have unfolded initiative by initiative and consequently lack strategic coherence. Coherence needs to be developed to give political guidance to military and defense planners shaping Alliance collective forces. It is, above all, this kind of political guidance that the Strategic Concept is intended to provide. It allows the Alliance defense planning process to move from a political level through to the defense and military planning levels and from there to force structures.

The review must consider how to involve partners in the Euro-Atlantic Partnership Council and Partnership for Peace in the Alliance's new missions, such as peace-keeping and crisis management, political and defense measures to address the proliferation of weapons of mass destruction and NTC weapons.

It will have to integrate the three new members in defense planning and military structures, while at the same time implementing the concept of alliance military command reform agreed upon at NATO. NATO is reducing the number of headquarters from 65 to around 20, mobile enough to be deployed in the field and capable of cooperating with non-NATO countries in Bosnia-type operations.

The review must also consider how to cooperate more closely on the military side with Russia and the Ukraine. Political organising arrangements already exist for cooperation - the NATO-Russia and NATO-Ukraine councils - but part of cooperation is working with the military. A meeting with the Ukrainians on defense reform is currently taking place; its focus is on restructuring forces from the old Soviet-style to modern forces under democratic control.

Two areas of the existing Concept are unlikely to change.

First, there is little reason to revise the 1991 depiction of risks and uncertainties, which emphasizes instabilities on the Alliance periphery (including the risk of nuclear proliferation), rather than a concerted attack. It will remain the framework for developing measures to ensure the security of NATO member states and enhance stability in Europe. The situations in the Balkans and the Caucuses bear witness to the need for this continuity.

Secondly, the Alliance nuclear posture is unlikely to change. Alliance nuclear weapons serve the political purpose of deterring potential aggression. They are not part of a war planning doctrine and they are no longer targeted at any specific country. They also strengthen the political cohesion of the Alliance; ensuring that, through the Nuclear Planning Group, all Allies share the political burdens of Alliance collective defense and participate in the political oversight of this aspect of NATO's defense structure.

The nuclear weapons have been reduced by nearly 80% since 1991; there are no ground-based missiles and no sub-strategic systems assigned to army or navy forces. What remains are weapons carried by dual-capable aircraft, under tight safety and security control.

In December 1996, a foreign ministers' communiqué articulated a position which was later re-affirmed by Heads of State in Madrid. It stated that the remaining, smaller, sub-strategic force posture would, for the foreseeable future, continue to meet the Alliance's needs. It was adamant that NATO has no intention, no plans, no reason to deploy nuclear weapons on the territories of new members. At the same time, however, in light of the quantitative and qualitative changes in its nuclear arsenal, it saw no need to change any aspect of NATO's nuclear posture or policy.

We are some distance away from a nuclear-free alliance. There are still risks of nuclear proliferation in regions that could affect alliance security; for example, Iraq borders allied territory. There are an estimated 10 000 Russian short-range systems under less than perfect conditions of control and safety. Deterrence of those who threaten or even think about the use of weapons of mass destruction remains necessary.

Finally, and most importantly, we are constructing a "new European security architecture." It is composed of the initiatives listed above, and will be influenced by the European integration process and the increasing involvement of Russia and the Ukraine in European structures (beyond NATO) - in short, it is being shaped by the evolution of Europe away from the divisions of the Cold War. Until this new architecture becomes somewhat more consolidated and its lines more clearly defined, we need to adopt a conservative approach to the nuclear aspects of the Strategic Concept. If we move the project of constructing the post-Cold War European political security order forward - and the Washington summit may be helpful here - then we may draw closer to the stage when the role of Alliance nuclear weapons may come under consideration, reflecting the realities of a "completely evolved" security order, that has transcended at last any remnants of an earlier period of Cold War division and confrontation. In 1998, we are not "quite there yet."

The Washington Summit Declaration of April 1999 will articulate a vision of where we are going - where we would like to go - in bringing into being this new security order, and how NATO can contribute to this endeavour. Barrett is responsible for writing the draft and welcomes ideas.

1.3 De-Alerting Nuclear Weapons*

Dr. Frank von Hippel, Princeton University

Although military strategists in both Russia and the US don't intend to launch strategic nuclear weapons first, they don't intend to be second either. This is the core of the danger. Almost a decade after the Cold War, the US keeps almost 3000 missile warheads prepared for launch within 20 minutes of receiving warning of an incoming attack, on the estimation that missiles take 30

minutes to reach the US from Russia. Because they assume an attack will come from US missiles in the North Atlantic which can reach Russian targets in only 13 minutes, the Russian time-line for a launch decision is even shorter - about 10 minutes. To dramatise the shortness of this time-line, we can recall the incident in 1995 when a sounding rocket launched off the coast of Norway was, through a failure in notification, mistaken by the Russian strategic command for a trident missile. It was only after eight minutes - as President Yeltsin stood ready to order a nuclear counter-attack - that the mistake was discovered.

Why do US and Russian forces remain in this posture after the Cold War? The problem is that the primary target of each side remains the other's nuclear weapons. This puts them both in a position of "use it or lose it"; if targetable weapons - in fixed underground silos, on submarines in port, or in mobile-missile garages - are not launched, they will be destroyed by incoming missiles. Almost all Russian missiles today are in one of these vulnerable, targetable categories. Typically, only one or two Russian missile submarines are at sea (and even these may be tracked by US attack submarines) and very often there are no mobile (truck or train-based) missiles out of their garages. In contrast, the US maintains a very large invulnerable force of about 2000 warheads on a dozen submarines at sea at any time which it remains confident the Russians are not able to track. It presently keeps about 630 of these warheads positioned near Russia, prepared to be launched within 15 minutes. The thinking is that they need to hit Russian targets which are "time urgent;" that is, to hit missiles suspected of imminent launch before they can be launched.

The logic of this thinking - which keeps us 15 minutes from nuclear war - is difficult to understand, since surviving weapons would still allow for retaliation; but the idea is to destroy as many weapons as possible. There are two key differences in thinking between those who advocate de-alerting and the planners currently making the decisions. First, despite the Gorbachev-Reagan mantra that nuclear war cannot be won and must never be fought, and although they may recognise the futility themselves, military planners still aim to do the best they can. Second, they are much less worried about the possibility of accidental launches. In short, they have accepted the logic of nuclear war.

Most people assume that nuclear weapons were taken off alert during the 1994 de-targeting agreement between Clinton and Yeltsin. However, the 1994 de-targeting agreement did not alter the launch-on-warning posture, and de-targeting is as easy to reverse as downloading a file from a computer. When ordinary people who haven't been saturated in nuclear logic understand this, they recognise that the situation is very dangerous and that de-alerting is a sensible alternative.

There has been increasing political support in the US Congress for de-alerting in the last six months. The Senate minority leader and the Senate Budget committee chair both support it; former Senator Nunn has become an important advocate. The Joint Chiefs of Staff have launched their own study. There is also interest outside Washington, notably in the media.

The debate over de-alerting revolves around the concerns of verifiability and stability. Any de-alerting strategy must take into account fears that de-alerting will create a vulnerability to cheating and that it will lead to a dangerous race to re-alert.

* A more detailed treatment of the topic, the only published description of how to de-alert, can be found in the article co-authored by von Hippel in the November 1997 issue of *Scientific American*.

1.4 No First Use

Ambassador Thomas Graham, President, Lawyers Alliance for World Security

The Nuclear Non-Proliferation Treaty (NPT) defines a balance of obligations between nuclear and non-nuclear weapon states and is the cornerstone of international security. The existence of the treaty is the principal reason why there has not been widespread nuclear proliferation. The Treaty

commits non-nuclear weapon states to never acquire nuclear weapons, and commits nuclear weapon states to engage in disarmament negotiations, with the ultimate objective of eliminating nuclear weapons.

When the NPT was made permanent in 1995, the five nuclear weapon states re-committed themselves to pursuing nuclear weapons reductions, with the ultimate objective of zero nuclear weapons. Their failure to make good on this promise will jeopardize the NPT. At the NPT conference in 1995, a number of prominent third world countries privately stated that they would re-examine their commitments to the NPT if significant progress toward nuclear disarmament were not achieved in the short- or medium-term. There will be problems if the nuclear weapon states don't comply with their obligations before the 2000 NPT Review Conference.

In the Cold War years, not much could be accomplished to redeem the commitment of the nuclear weapon states. Since then, much has been accomplished, but much more has to be accomplished if the NPT regime is to be preserved. During the Cold War, the threat of a massive conventional attack by the superior Warsaw Pact forces in Central Europe was the rationale used by the US and NATO to retain the right of first use in the case of an overwhelming conventional attack on Europe. This confrontation and the rationale for the first use of nuclear weapons no longer exists; NATO has the preponderance in Europe now, at a 2 to 1 margin, over the east.

During the Cold War, in part because of the situation in Europe, the political value of nuclear weapons was very high; and it remains high now, years after the war has ended. If our disarmament objectives are to succeed, we simply must reduce the political value of Nuclear Weapons. Otherwise, in the long run, they will become too attractive and the technology too simple to control. A striking example of the kind of thinking which could ultimately jeopardise the NPT regime was given by a Conservative Party defense spokesman in the British parliament during a debate last fall on the future of the UK's trident programme. He said, "If we are talking about a half-hearted approach to our nuclear deterrent, how seriously will the UN take our continued claim to permanent membership of the Security Council?" Clearly, the belief of some non-nuclear weapon states that the nuclear weapon states cling to nuclear weapons as their claim to "great power" status in not unfounded. The survival of the NPT regime depends on lessening the belief in the political utility of nuclear weapons. No first use is a good way of beginning the process.

An explicit, clearly enunciated US policy of not using nuclear weapons first would be an important gesture of good faith with the arms control and disarmament commitments in Article 6 of the NPT and the 1995 Statement of Principles. Such a policy would re-inforce the defensive posture of US nuclear forces, making it clear that the sole purpose of the nuclear arsenal is to deter the use of nuclear weapons by others. The perceived danger that an American no first use policy would drive countries currently under the US nuclear umbrella to acquire nuclear weapons of their own reportedly served as the rationale for not including no first use in the nuclear posture review in 1994. However, based on recent statements made to Ambassador Graham by officials of the Japanese and German governments, a no first use policy would not have such an effect. Both Germany and Japan also indicated that deep cuts negotiated by the Americans with other nuclear weapon states would not undermine their confidence in the American commitment to the defense of Germany and Japan. Both were adamant that they would never consider acquiring nuclear weapons; on the contrary, it was clear that efforts to reduce the political significance of nuclear weapons would re-inforce their commitments to non-proliferation.

A no first use agreement among the five nuclear weapon states would be an even more important step because it would re-inforce national political statements and finally lay to rest disputes over whether first use violates international law. Such an agreement would demonstrate to non-nuclear weapon states parties to the NPT that nuclear weapon states are taking their disarmament commitments seriously.

Recent suggestions that nuclear weapons could be explicitly used to deter chemical and biological attacks should not be allowed to block the adoption of a no first use policy. This strategy would not only be disproportionate; it would endanger the NPT regime. The 1978 pledge made by the US, the UK, and the Soviet Union at the First UN Special Session on Disarmament, and reaffirmed at the 1995 NPT Review and Extension Conference, not to use or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT unless they attack in alliance with one of the other nuclear weapon states, makes no exception for biological or chemical attacks. Numerous non-nuclear weapon states made their decision to join the NPT on the basis of this pledge (the 'negative security assurance'). They agreed to the Treaty's indefinite extension on the basis of its re-affirmation. The threat of chemical and biological attacks should be dealt with by the overwhelming conventional power of the US and NATO, by making clear that any country which resorts to the use of chemical and biological weapons will pay an unbearable price. To threaten nuclear retaliation would only encourage nuclear proliferation among non-nuclear weapon states facing a risk of chemical and biological attacks. The NPT regime would fail, and the existing conventional superiority of the US and NATO would be neutralised by the widespread proliferation of nuclear weapons.

If nuclear deterrence is somewhat underemployed, let it remain so. The less dependent we are on nuclear weapons for our defense, the more secure we will be. In 1996, the World Court ruled that the threat of use and the use of nuclear weapons must be subject to international law, including the 1995 negative security assurances. The World Court also ruled that any use of nuclear weapons would generally contravene the principles of International Humanitarian Law, except (and the Court was divided on this) in cases of extreme self-defense. Such circumstances of extreme self-defense could not occur for a nuclear weapons state in the absence of a threat or use of nuclear weapons. Religious leaders have also denounced the doctrine of nuclear deterrence in today's world; a representative of the Holy See said at the United Nations last fall that nuclear weapons are incompatible with the peace we seek for the 21st century.

No rationale remains for the nuclear weapon states to retain the right to introduce nuclear weapons into a conflict. Clinging to the doctrine of the past supports the political value of nuclear weapons and undermines the NPT.

1.5 Civil Society and Government as Partners in Nuclear Disarmament

Kate Dewes, Aotearoa/New Zealand Foundation for Peace Studies

Greetings from tribal elders to indigenous peoples of Canada, and also from the New Zealand peace movement to the Canadian peace movement.

The New Zealand experience of the World Court Project offers us lessons on citizens and governments working in partnership. In New Zealand, NGOs began working with their government on the World Court Project a decade ago. After a massive public education campaign which showed public opinion to be solidly behind them, and with a government sympathetic to anti-nuclear aims, activists believed they would have no trouble convincing their government to take the case to the world court. However, they discovered that their politicians were under a lot of pressure in the international arena to act in contravention of their own and public opinion. The price of membership in the Western Alliance was, in fact, subscribing to nuclear deterrence doctrine. NGOs came to appreciate that the government was in a dilemma and needed their support to stay strong on the issue.

The Public Advisory Committee on Disarmament and Arms Control (PACDAC) was crucial to keeping the politicians true to public opinion and acted as an effective conduit between the peace movement and the decision-makers. Its composition was key, with members drawn from independent, assertive citizen groups with strong grassroots support. Politicians, including David

Lange, later admitted that these assertive voices helped to counter the massive pressure from the Western Allies. One of PACDAC's main functions was monitoring the voting record at the UN. This research showed that most of the non-aligned movement voted for the disarmament resolutions, while New Zealand tended to back NATO positions in contradiction to its stated policy, and that NATO members tended to vote as a block against disarmament. PACDAC was able to use this analysis to strengthen the backbones of the decision-makers in New Zealand.

PACDAC members were included as full members in New Zealand delegations to the UN. Through this involvement, they came to recognise the value of moving from an adversarial relation to the government to one of partnership. The transition involved NGOs and governments learning to listen to each other and to value the distinctive contributions each could make to breaking the nuclear disarmament log jam. The government learned that NGOs can do things at the UN that governments cannot - ideas can be tested and bridges built in ways that formal channels do not permit - and it was able to make use of its NGO partners in this way.

The World Court experience shows that a few citizen groups, backed by strong public opinion, can have an influence on governments who are prepared to take a risk and facilitate their access to decision-making. This NGO-government relationship was vital to both the World Court Project and the Ottawa Process on landmines.

The World Court Project began by building up the support of peace groups that already had considerable experience working with governments (prominent individuals, influential NGOs, lawyers, Parliamentarians for Global Action, Greenpeace International), who already had good access to key decision-makers and could activate their membership very quickly. Their backing lent the project respectability and authority. A small international steering group of six members coordinated the ambitious campaign. The end of the Cold War was, of course, vital. They began with minimal funding, no access to email, scant documentation about the legal arguments in support of illegality, and a tight framework of UN deadlines. Committee members were based at the main hubs of decision-making (London, New York, the Hague and Geneva), which provided continuous access to decision-makers, and in the southern hemisphere, which provided input from a number of regions which are frequently excluded from deliberations. They worked together to identify sympathetic governments among Western middle powers (Australia, Canada, Ireland, Norway, Japan, Sweden, and New Zealand).

In New Zealand, they used the "people power" model, getting declarations of public conscience, using media, writing letters to ministers of foreign affairs and lobbying - getting lawyers, women, religious leaders, and others to meet face to face with ministers. They targeted members of parliament on foreign affairs committees. They got endorsements from prominent individuals like Tutu and Gorbachev. In the presence of Mauri elders, people's representatives handed over large numbers of declarations of conscience at the local and national levels. These public hand-overs had an important effect on the ministers and kept them strong in their resolve to reflect public opinion.

The minister's statements to the media in New Zealand were recorded and distributed at the UN and during meetings with other governments to show them where New Zealand stood on the issue. This strategy was instrumental in swaying the middle powers. Citizen delegations also presented declarations of public conscience, in forty different languages, directly to the United Nations and International Court of Justice (ICJ), with over seven hundred organisations having signed their support. It was the first time the court had accepted evidence directly from citizens worldwide. Under the pressure of 100 000 000 signatures from Japanese citizens, the Japanese government shifted its position to accept the illegality of nuclear weapons.

Visits to diplomatic missions in Geneva between 1991 and 1993 helped to educate campaigners about international politics, and particularly about the tremendous pressure governments were facing from the nuclear weapon states. Campaigners drafted resolutions, equipped ambassadors

with briefing papers on the legal arguments, and had lawyers brief missions. They developed good relations with decision-makers, especially in the non-aligned movement; importantly, by going to capitals and speaking directly with them. Women and indigenous elders were especially effective in communicating the moral and human reality of the issue to political and diplomatic officials and to the Court itself; they gave these people the strength to vote in the interest of the world community, even when it meant putting their jobs on the line.

1.6 Canadian Steps to Nuclear Disarmament

Tariq Rauf, Monterey Institute

Canada played a leadership role in the NPT Review and Extension Conference. This leadership continues in the NPT PrepComms for the 2000 review, with its efforts to create a qualitatively different review focused on substantive issues, including nuclear disarmament. This is something NATO and Canada's other allies oppose, so there is a role for NGOs and parliamentarians to support Canada in this initiative and mobilise support in other countries for a review process which emphasises full implementation of the NPT, including Article VI.

Canada has made some good beginnings which need to be followed up. It launched the concept of 'permanence with accountability' which has since gained substantial support. Canadian statements have noted that the nuclear weapon states are accountable for implementation of Article VI; in its statement at the 1997 NPT PrepComm, Canada was the only country to explicitly state that it rejected any conditionality on disarmament.

Canada should work through the NATO Strategic Concept Review to eliminate the future use of tactical nuclear weapons in Europe. NATO does not have any real use for nuclear weapons in the future; nuclear weapons will not deter Albanian refugees from crossing into Europe, nor will they deter the kind of thing that happened in Yugoslavia. The threats to NATO members are more political and economic than military in nature.

1.7 Questions and Answers

Elaborate on the current rationale for maintaining any type of nuclear first-use policy within NATO.

(Barrett, NATO) The process of reconciling the differences of the Cold War is incomplete, and further changes are required on this level before further progress can be made on disarmament. These issues are being discussed in the context of work that is going on to build a relationship with Russia. More time is needed to put the European post-Cold War security order in place. On the issue of no first use, nuclear weapons are simply not the focus of attention at the moment. NATO does not envisage using them, and has taken steps to ensure they are far from an alert status. When progress has been made on the political front, a greater number of people will question the utility of the weapons and NATO's nuclear policy will come under scrutiny. Already, Barrett himself does not see clearly how nuclear weapons can act as a deterrent on biological and chemical weapons.

Comment on NATO opposition to initiatives by Belarus and a number of other countries to increase Russian confidence by establishing a nuclear-free zone in Central and Eastern Europe.

(Barrett, NATO) Individually, NATO members have supported nuclear-free zones in other regions. The first step in gaining their support in this case would be to demonstrate that the conditions for establishing a useful, verifiable nuclear-weapon free zone are met; that is, establish that it is in compliance with international law and the UN Charter, and get the support of the Security Council. Once individual members of NATO support it, the Alliance will follow.

Comment on the apparent contradiction between the Canadian rejection of conditionality in the

application of Article VI of the NPT just sited and statements made by officials in Department of National Defense (DND) that Article VI requires disarmament only in the context of general disarmament.

(Tariq Rauf) Canadian diplomatic statements are unambiguous, but DND representatives often take positions closer to that of the nuclear weapon states. Canada needs to develop a united voice on this, perhaps by including DND representatives on delegations to the CD and the NPT.

2 Working Groups

2.1 NATO

Chair: Andre Ouellette, DFAIT

2.1.1 Discussion

The aim of the workshop was to develop policy suggestions; specifically, concrete steps for Canada to take towards nuclear disarmament as a member of NATO.

NATO Perspective

John Barrett elaborated on some of the comments he made during the introductory session. He claimed that NATO is already addressing the nuclear issue, and has broadened its understanding to move beyond weaponry. Specifically, the Founding Act made a good start in establishing the Permanent Joint Council (PJC). The PJC is moving into the stage of concrete discussions, which possibly could include nuclear doctrine, the role and number of tactical nuclear weapons, safety and environmental issues. Barrett believed that the PJC offers an opportunity as a forum to address Russia on these substantive issues. Secondly, in the area of non-proliferation, in 1994, NATO agreed to undertake work on defence and political issues, including developing political responses to proliferation. This point was picked up later in the discussion, with one participant noting that progress is already being made - Canada is already reminding the Allies about their obligations to the NPT. Finally, some dismantling is proceeding.

There was basic disagreement over whether disarmament is already occurring. Barrett noted that, contrary to some opinions expressed at this session, some NATO members believe that disarmament is underway. Moreover, there are NATO members who believe NATO to be upholding the ICJ advisory opinion.

The discussion exposed other fundamental disagreements. Deterrence theory was debated: some argued that nuclear weapons "still" have a deterrent value. From this starting point, policy questions would revolve narrowly around reconfiguring nuclear posture. Others argued that deterrence never worked, and cited General Lee Butler's opinion in support of this position.

The Context for Disarmament

The discussion began with a broad discussion of the current NATO policy of expansion and Russian politics. It was stressed that relations with Russia are currently vulnerable and this is due, in part, to the strong legacy of mistrust, a strong current of anti-Westernism in some Russian circles, current political and economic instabilities in Russia, and, in particular, to the lack of a durable structure in Russia. There was concern that NATO expansion into the former Soviet republics, especially the Baltics, threatens Russia-Western relations. Expansion may be perceived by Russia as a provocation and engender feelings of exclusion. Why is NATO expanding and why now?

One belief that emerged from the discussion was that nuclear disarmament will not occur overnight. And yet there is a sense of urgency, particularly because India will acquire nuclear capability in the near future unless there is movement. This sense of urgency is not being addressed by current NATO policy.

In response, it was suggested that the OSCE was an organization better suited to deal with European security issues. First, it doesn't have the Cold War legacy of NATO; and second, it is more oriented toward economic and political agreement. Moreover, in the OSCE, Russia would be

considered an equal partner of the West. Alternately, if the OSCE does not become the primary security organization in Europe, NATO could alleviate Russian perceptions of exclusion by making Russia an equal in NATO, with full rights and responsibilities.

Discussion then shifted to the issue of NATO and the ICJ advisory opinion on nuclear weapons. Questions of whether and how NATO would adhere to the ICJ ruling and the NPT were raised. It was pointed out that NATO's nuclear policy was not a policy of use, but rather of political import. It is difficult to see a future in which nuclear weapons are to be used. Canada is in a dilemma: Canadians can understand the ICJ ruling and that NATO's nuclear policy is a contravention of international law. It was also suggested that the ICJ's ruling on the illegality of nuclear weapons should be enshrined in an enforceable treaty.

Participants asked what NATO means by 'European security architecture' and how it will decided that the architecture is 'fully developed'. In making the existence of a European security architecture its condition for addressing the nuclear issue, NATO is failing to recognise what other regions recognise - that nuclear weapons are themselves contributing to the current state of destabilization. This puts Canada in a difficult position. Official Canadian foreign policy is that it respects international law, yet at the same time, it is a member of an organisation which has stated that it will not address the nuclear issue until this 'European security architecture' exists. It is questionable whether Canada should allow itself to be driven by NATO's current policy on this issue. In view of the recent Angus Reid survey finding that the majority of Canadians want Canada to take a role in abolition, it was asked whether Canada shouldn't instead help to revise NATO's nuclear policy.

Canada's Role

The discussion then shifted to possible policy options for Canada. The status of Russia's current conventional threat was examined, and whether it permitted a no first use policy in the West. It was also suggested that, since Russia's nuclear weapons are approaching the end of their operational life in the year 2010, the west might be placing Russia in a 'launch it or lose it' position. Unilateral disarmament might be considered as an option; however, the question of who would pay for disarmament efforts then arises and whether publics would be willing to absorb costs for Russian disarmament efforts.

Canada does have some options for making progress on the issue. It was argued that polls like the Angus-Reid survey would likely come up with similar results in other countries, including Holland and Norway. If Canada is not alone in dissenting from NATO's nuclear policy, it might be possible for Canada to work together with the others to achieve nuclear abolition. Alternatively, the United Nations might offer a good forum for effecting change.

One of the ways Canada could advance abolition is to advocate no first use. This policy doesn't depend on Russia changing its nuclear policy, it doesn't threaten Western security, and it is an issue that publics can understand. However, no first use may receive some resistance from the UK, which may oppose it because of recent Russian strategy and the UK's membership in NATO. Since declarations of no first use are non-verifable, they shouldn't be understood as arms control measures but rather as confidence-building measures. It was suggested that Russian retraction from no first use is directed to its east and not the West.

2.1.2 NATO Policy Options

The session came to a general conclusion that there had been sufficient change in Western Europe to warrant a change in NATO nuclear policy. There was a lack of consensus on whether Europe should or will be nuclear free, with some believing the military and political risks faced by NATO

to be relevant to decisions on whether to adopt no first use or make other moves towards non-nuclear security.

It was agreed that Canada was on the horns of a dilemma: it wishes to adhere to international law but it is also a member of NATO. On this level, it can be asked if NATO membership requires full support of NATO doctrines.

The group noted that Canada has been at the forefront of the NPT extension; however, there is an issue around the credibility of the commitment made under Article VI. There are risks if no further disarmament measures are taken. Russia is an immediate risk; it is disarming by attrition. In addition, there is a heightened risk of horizontal proliferation; states such as India will look for progress from the nuclear states in fulfilling their commitment.

All governments are faced with increasing pressure on the nuclear weapons issue. Canada may be able to find allies in other countries.

Canada could:

- Use the occasion of the 50th anniversary of NATO in 1999 to convene an expert group to investigate options to deactivate NATO and independent nuclear weapons and present recommendations to the United Nations.
- Undertake a study of no first use.
- Endeavour to pursue no first use in NATO and within other multilateral fora. This could be raised in NATO in the context of the current review of the Strategic Concept. Policy-makers should consider whether it makes sense to review the raison d'être of the Alliance without addressing its reliance on nuclear weapons.
- Take further steps toward unilateral disarmament.
- Support the creation of a nuclear-weapon free zone (NWFZ) in East and Central Europe.
- Present Canada as a nuclear-weapon free zone (NWFZ).
- Examine NATO's obligations to the ICJ advisory opinion and international law.
- Take steps to support grassroot interest and involvement in the issue of nuclear abolition.

2.2 Non-Proliferation Treaty

Chair: Tariq Rauf, Monterey Institute

2.2.1 *Non-Proliferation Treaty Policy Options*

The discussion centred on three issues: non-proliferation; nuclear disarmament; and cooperation and peaceful use of nuclear technology.

Canada should:

Non-proliferation

- Consider supporting a global regime that deals with the delivery of weapons of mass destruction.
- Support efforts to move toward non-proliferation in all deliberative and negotiating fora, both traditional and non-traditional. Pursue these efforts through: pushing for greater openness within delegations (eg inclusion of NGOs) and between delegations; and promoting new coalitions around particular interests or issues.
- Push for enhanced NGO access at the NPT Review Conference in 2000; for example, giving an NGO delegate a seat at the table.
- Reaffirm its support for peace process in Middle East and South Asia and work for a nuclear weapons free zones in the Middle East and South Asia.
- Take a visible initiative on nuclear disarmament and non-proliferation, in response to poll finding that 92% of Canadians support Canadian leadership on the issue. A declaratory statement from senior officials should be considered.
- Support efforts to increase the IAEA's capacity to improve their safeguards system and to bring all unsafeguarded facilities under its safeguards.
- Conclude a strengthened safeguards agreement as quickly as possible, and encourage others to do the same.
- In instances of non-compliance with NPT, support IAEA and UN measures to restore compliance.
- Encourage all non-signatories to sign the NPT.
- Establish criminal legislation and penalties for involvement in planning or building nuclear weapons.
- Establish greater coherence in Canada's nuclear policy, especially between DFAIT and DND.
- Include DND representatives Canadian delegations.
- Involve NGOs in policy-making on arms control and disarmament.
- Increase emphasis on confidence- and security-building measures to promote non-proliferation.

Nuclear Disarmament

- Explore working more extensively in fora outside the CD framework, or support expanded CD membership.
- Explain to the Canadian public the government's interpretation of the ICJ Advisory Opinion and how Canada intends to proceed on it.
- Generate greater support for a Nuclear Weapons Convention, possibly using a process such as the Ottawa landmines process.
- Push for an amendment of the NPT with the goal of having a discussion at the resulting conference on a nuclear weapons convention.
- Support the creation of a body of international law on nuclear disarmament (or strengthen what exists).

- Facilitate greater dialogue around disarmament among nuclear states by increasing the political price of refusal through the NPT Review Conference in 2000, talking to parliamentarians in other countries, and using NGO and diplomatic channels.
- Push for a "blank slate" review in NATO. Start from scratch on NATO security issues and what the role of nuclear weapons might be. NGO partnership in the Strategic Review is important.
- Take a "Team Canada"-approach to nuclear disarmament (partnership between government and NGOs).
- Solicit a joint examination and opinion from a government-NGO legal authority on whether the ICJ opinion is binding.
- Advocate that nuclear weapon states withdraw all these weapons from foreign territory.
- Identify countries which might participate in a middle powers initiative on nuclear disarmament.
- Support the development of additional nuclear weapon-free zones.
- Examine all of Canada's defence agreements (bilateral and multilateral) to ensure they are based on non-nuclear military arrangements in order to withdraw from any preparations for nuclear war.
- Become a single state nuclear weapon-free zone.
- Invite discussion of an Arctic nuclear weapon-free zone.

Cooperation and Peaceful Use of Nuclear Technology

- Maintain a policy which does not support plutonium in civilian reactors.
- Support research into alternative renewable energy sources and energy mixes.
- Support civilian research to convert nuclear weapons technology into peaceful uses and encourage similar programmes in threshold states to assist in the conversion of the nuclear weapons infrastructure.

2.3 No First Use

Chair: Ernie Regehr, Project Ploughshares

The group reached consensus that no first use warrants the active support of the Canadian government. Canadian officials should be explicitly encouraged to actively promote both measures.

2.3.1 Discussion

Defining no first use

A policy of no first use would mean that each nation would guarantee they would not attack the other first.

There is some play in what counts as first use. Arguments are made that nuclear weapons deter attacks of all weapons of mass destruction. Some claim that the threat of nuclear retaliation was effective in this manner in the Gulf War. Under this expanded deterrence theory, nuclear retaliation to chemical and biological weapons would count as second use.

To counter this argument, even some of the strong cold warriors argue that using nuclear weapons as a response to a chemical and biological weapons attack is counter-productive to developing adequate strategies for conventional retaliation. Although it might seem that it would require a lot of preparation and a large financial commitment for conventional force to be used against chemical and biological weapons, it is argued by others still that the US position with respect to conventional weapons is already so strong there is no need for nuclear deterrence.

This kind of counter-argument is dangerous itself, however; it promotes the development or maintenance of an overwhelming conventional force which in turn threatens other states and might prove an incentive for nuclear proliferation.

If a strong no first use policy is to be achieved, it is important to treat nuclear weapons as separate from chemical and biological weapons and other weapons of mass destruction. There is a need for a clear policy for responding to chemical and biological weapons with conventional weapons.

It might be possible to go one step further and argue that conventional weapons could be an effective response to a small nuclear attack.

Why a no first use policy?

The 1996 World Court decision seems to have declared no first use part of international law.

No first use should be seen as a political measure used to devalue nuclear weapons; it is not an agreement to eliminate nuclear war, but can be a first step towards that goal.

The political value of nuclear weapons remains high - both as a means of increasing internal cohesiveness and of raising international status. This makes disarmament difficult and proliferation, with weapon technology simple and cheap, a real danger. Further, without serious moves by the nuclear weapons states to disarm, the NPT is in danger.

The political value of nuclear weapons can now clearly be seen to have an ideological basis. With NATO's present unchallenged transcendence, the deterrence rationale of the Cold War can no longer be even coherently argued. It is thus a relatively simple matter of policy to reduce their political value. A no first use commitment by the nuclear weapons states would reduce the political value of nuclear weapons in strategic doctrine and international relations.

At the same time, a no first use commitment by nuclear weapons states would be a pre-eminent signal to other NPT states of the seriousness of their disarmament efforts.

A no first use policy which permitted the use of nuclear weapons only in response to large-scale nuclear attack would pave the way for the elimination of all but the small number of weapons required for this core deterrent role. If the US were to announce such a policy, others would follow. Then countries could begin to reduce the number of their weapons. Thus, if deterrent arguments are confined to nuclear weapons, no first use commitments could have a significant stabilizing effect.

Again, a declaration of no first use would make it easier for countries to de-alert. If the weapons could not be used first and could not be alerted, governments would devote fewer resources to them, thus reducing their numbers.

It would also solve the negative security assurances problem and help break through the current deadlock on disarmament.

Verifying a no first use policy

The lack of verifiability of no first use might pose a problem for countries operating under a lot of mistrust. A declaration of no first use would not be sufficient; however, such declarations could be a step towards a legally binding treaty.

The first step would be to focus on the four major nuclear powers. An agreement would be the next logical step and it could proceed quickly if the will was there. A violation of a no first use policy by states outside the four major nuclear powers would remain a possibility. If it is to be a global treaty, an enforcement regime must be built in.

A violation of the treaty with an attack by a small number of nuclear weapons could be met by conventional force. A principle of a conventional weapons response to chemical and biological weapons would set a good precedent in this regard. Developing effective conventional means of assuring compliance with weapons prohibitions would have the effect of further reducing the political and military value of nuclear weapons.

Canada's role

There are three possible options for the government: take no action; announce support for a UN resolution to get the ICJ to clarify whether first use is illegal under their 1996 decision; or support a no first use doctrine.

Placing the issue before the ICJ could result in delaying further action, however. Furthermore, it may not have been accidental that the ICJ did not distinguish between first and second use; the possibility exists that their decision may not be favourable.

To support a no first use doctrine, the government could 1) pronounce it a Canadian policy, 2) lobby Washington to persuade the US to adopt the doctrine, or 3) advocate for NATO doctrinal change. All three avenues could be used.

Canadians need to overcome their fears about challenging the US on the issue of nuclear policy. In its approach, Canada can make use of the differences of opinions on the issue in the US.

By placing the issue in a moral context, for example, many of the far right in the US Congress would respond favourably.

A unilateral declaration might be the simplest and quickest action for Canada to take.

Apart from making an announcement on no first use or going to the ICJ for a decision, Canada could begin to explore the issue with some serious, but low-key, interventions (e.g. by announcing that it plans to raise the issue in the international arena).

The Canadian government should use a variety of fora to promote this issue, including the NATO Strategic Review. Most countries make some gestures just before the NPT Review - this could be used to advantage.

One strategy would be to convene a discussion on the issue in order to place it on the agenda of the alliance community.

Canada might convene a conference of experts from NATO countries and Russia to examine technical questions related to no first use. However, no first use may be more a matter of doctrine than a technical issue. It might be better to convene the conference at NATO headquarters, rather than in Canada. NGOs might be included in the Canadian delegation.

Using the middle powers approach would allow Canada to pursue the issue without putting itself out on a limb. The government could state its expectations that parties make measurable progress to present at the NPT Review.

The group also raised the possibility of asking the ICJ for a supplementary decision clarifying who has the obligation to conduct and conclude the negotiation of nuclear disarmament. The key question is whether the initiative rests with the US and Russia, with the five nuclear powers, or with some multilateral forum.

2.3.2 *No First Use Policy Recommendations*

To promote a no first use policy, Canada could:

- Explicitly raise no first use within the NATO strategic review process and encourage NATO to adopt the measure;
- Request clarification from the International Court of Justice on the legality of first use in all circumstances; and
- Convene and host conferences and roundtables on no-first use, with governmental and non-governmental experts from NATO, nuclear weapons states, Eastern European, and other interested states.

2.4 De-Alerting

Chair: Ernie Regehr, Project Ploughshares

The group reached consensus that de-alerting warrants the active support of the Canadian government. Canadian officials should be explicitly encouraged to actively promote both measures.

2.4.1 Discussion

De-alerting is a prime means of actually implementing a no first use policy. No first use is a political declaration whose practical application would include the physical changes of de-alerting.

There is an impressive range of technical measures that are available to take strategic nuclear weapons off alert status. The primary focus should be on de-alerting systems most vulnerable to first-strike.

The situation

Seven years after the end of the Cold War, US and Russian nuclear weapons are still on 15-minute alert. The hair triggers on nuclear warheads depend on the integrity of the equipment and the training of personnel; yet the radar systems that control Russia's nuclear forces are now crumbling. This suggests the possibility that Russia might misread the circumstances and be panicked into a first strike by incomplete information. While the US relies on "dual phenomenology" - satellites must report a missile launch and the system must then pick up the missiles coming over the horizon - Russia is down to just one system, because it has no early-warning system. It is an immensely dangerous situation. For example, Russia has lost two submarines because of collisions with US vessels, and has warned that a 1992 incident would have set off a number of missiles if the impact had occurred 10 metres further back. Catastrophe could result if an unstable Russian leader misinterpreted the limited data available. The risk would be particularly serious in a period of international tension.

Implementing de-alerting

De-alerting must be introduced cautiously. Even if one succeeded in persuading the US to engage in this process, it would still be easy to craft a proposal that Russia would find not in its interest. Russia remains concerned about the extreme vulnerability of its armed forces to a US first strike, and presently sees no alternative to a launch-on-warning posture. Moreover, it simply cannot afford to maintain a large fraction of its submarine fleet and is only able to launch from pier-side.

Although Russians might be expected to welcome the opportunity of reducing the level of risk, given the vulnerability of their own systems, the reductions would still have to appear symmetrical to them. Moreover, the Russian Strategic Forces and the US Strategic Command both believe that de-alerting proponents are exaggerating the risk.

The technical objections to de-alerting fall into three categories: vulnerability, lack of verifiability, and instability in times of crisis. Vulnerability is the key concern because having a sufficient number of invulnerable nuclear weapons that will survive any kind of first strike reduces concerns about verifiability.

The de-alerting debate in the USA unfortunately began with a proposal that lent strength to state concerns about vulnerability. Former CIA director Stansfield Turner called for all existing warheads to be placed in a relatively small number of central locations, where they would be subject to international monitoring. The Pentagon responded with an offer to paint bulls' eyes on the storage bays.

The recent article co-authored by von Hippel for Scientific American presents a comprehensive approach to first-step de-alerting that can be implemented within the verification provisions of START I. Elements of von Hippel's de-alerting plan include:

- Removal and storage of a significant number of warheads, including the 500 MX missiles that were previously aimed at Russian missile silos, 400 high-yield Trident II W-88 warheads, and the 360 rail-mobile SS-24s that have been parked in Russian garrisons since 1991;
- Elimination of as many as possible of the Russian submarine-launched warheads that never leave port;
- Acceleration of the existing commitment on the part of the US and Russia to scale back to 2500 warheads each;
- Reliance on the existing provision for 10 random re-entry vehicle inspections per year as a basis for verification that warheads have been de-alerted;
- Immobilization of most silo-based warheads in their silos - reflecting Russia's desire for an "upload hedge" against the US' insistence on being able to step away from START II if it wishes to and reflecting the Federation's concern that the only safe place to store highly temperature- and humidity-sensitive warheads is on top of their missiles;
- De-activation of Russian missiles by removing the gas generators that open the 20-tonne silo lids, and verification of the de-activations through routine inspections and/or by removing the batteries that power the guidance systems; and
- Disabling the roofs on the garages that house Russian missiles so that they simply cannot be raised on short notice. This would provide clear physical evidence of a launch-on-warning policy.

Von Hippel and his colleagues had also suggested replacing the aerodynamic shrouds atop the Russian missiles, but the Russians explained that the shrouds also provide an air-conditioned bubble that facilitates temperature control for the warheads.

Overall, warhead status under the de-alerting plan would break down as follows:

	Download	Immobilize	De-Alert	Total
United States	2992	1860	648	5500
Russia	984	±4810	64-292	±5998

Von Hippel suggested other steps in the direction of de-alerting. The US could send its nuclear submarines south instead of north, and end attack submarine operations in the Arctic.

Ultimately, the challenge will be to demonstrate that de-alerted warheads are not beyond verification. Eventually, technology might permit inspectors to place tamper-proof electronic seals on the missiles in order to permit remote verification. However, these future possibilities could become a roadblock if the US and Russia decide to postpone action on de-alerting until high-tech solutions can be negotiated.

Verification measures will depend on the implementation process. For example, if the silo lids in Russia were de-alerted by removing the cylinders that produce the gas used to open the lids, the procedure could be verified during the inspections authorized under the NPT. To manually open the lids would require large cranes, which could be spotted by satellite. There are ongoing dialogues on this issue.

A de-alerting policy, as with a no first use policy, would require a change in official publications, which could also be verified.

Engaging the US

The US National Security Council (NSC) has refused to consider any action on de-alerting until the Russian Duma ratifies START II. The NSC is eager to show that future negotiations will depend on Russia's ability to meet its current obligations. Moreover, the Republican Congress recently legislated against any new action on de-alerting.

The US military claims to be carrying out technical studies on de-alerting, but doesn't release details.

However, despite the current political climate, it should be no more difficult to promote de-alerting than the comprehensive test ban; the key question is how to mobilize people. The fact that both countries are still on 15-minute alert must be made public.

Senator Sam Nunn's support is keeping the issue alive in Congress. In getting Congress onside, the key pressure points are the military, the President and the Secretary of Defense. If de-alerting is put forward as an Administration initiative, no treaty will be required.

Canada's role

One possibility for Canada to support de-alerting would be to contribute a study on the mechanisms of verification based on existing Canadian expertise in that area.

It would also be useful to support an NGO proposal to NATO calling for discussion of de-alerting in the Russia-NATO Forum.

There is concern that it might be counter-productive to add a new issue to the NATO agenda, particularly if de-alerting becomes a path of least resistance allowing states to side-step other issues. An intervention on de-alerting might be much less valuable than taking an initiative on no first use, which would be terribly important to advance in the NATO Forum. However, the two issues could be raised in such a way that they support each other. De-alerting could be discussed in the context of facilitating implementation of a no first use policy.

2.4.2 *De-Alerting Policy Options*

The Canadian government is invited to consider taking the following actions:

- Encourage priority attention to de-alerting within the Russia-NATO Joint Council;
- Have the technical staff in the verification unit at DFAIT study de-alerting with particular attention to viable means of verifying de-alert status;
- Convene and host international conferences of governmental and non-governmental experts on de-alerting measures and verification; and
- Explore other options to stabilize the strategic nuclear environment, including proposals to make the Arctic an exclusion zone for attack submarines.

2.5 NATO and Civil Society

Chair: Mary-Wynne Ashford, Physicians for Global Survival

2.5.1 Discussion

The goal of the working group was to arrive at a menu of Canadian policy options to address the issue of NATO's nuclear weapons policy, with particular attention to the role of civil society.

NATO Policy on Nuclear Weapons

NATO sees itself as responding to the new political landscape to create a secure Europe. It believes the two world wars underline the importance of building security in Europe.

It was noted that nuclear weapons policy was not currently on the agenda at NATO for the upcoming review. NATO is preoccupied with issues of new membership, stability in Eastern Europe, peace-keeping, and internal restructuring (including downsizing). NATO believes that there should be no change in nuclear weapons policy until certain political preconditions are met, and stability secured.

NATO's reasoning is that although the cold war is over, the 'Russian revolution' is not yet over - that is, the region is generally unstable. Because Russia is no longer capable of mounting a conventional attack against NATO, NATO's principal job has shifted. The perceived threat is no longer specific, but general; NATO believes that it must be prepared to respond to a threat coming from any direction.

This thinking informed NATO's decision-making on expansion. In addition, NATO felt a pressure from Eastern European states who were seeking membership for economic reasons and for help in updating militaries and ensuring civilian control over their militaries.

Since the end of the Cold War, NATO has been active in disarming Europe; not since the 30's has there been such a low level of militarisation. In particular, it was claimed that NATO has downsized its nuclear arsenal by 90% from its cold war peak (and counter-claimed that advances in US arms technology, and the presence of US nuclear weapons in the region make this figure meaningless). There is to be no new deployment of nuclear weapons under the terms of the expansion.

NATO has a "Nuclear Planning Group" which meets weekly under the chairship of one of its members. France does not participate. Concerns could be raised in this forum.

NATO and other security organisations

The other European regional security organisations - WEU, which France promotes as an alternative to US-lead NATO and which has no sizeable arsenal, and OSCE - have mandates which overlap with NATO's. In principle, NATO views them as cooperative partners.

In addition, NATO sees its role as complementary to the UN's. For example, it is involved in Bosnia under a UN resolution to fill a need that UN has neither the mandate, organisational capacity, nor troops to fill itself. International will is lacking for the expansion of UN military capacity, in large part because the US is not keen on the idea.

Canada and NATO

Canada was in favour of admitting more members to NATO, and was the first to ratify the enlargement.

Canada has three options: go along with current NATO policy; remain within NATO and work for elimination; or remove itself from NATO. A relevant question is whether Canada can influence NATO's nuclear policy and US nuclear policy more as a NATO member or not.

In light of Canadian public support for Canada's taking a leadership role in the abolition of nuclear weapons (Angus Reid poll, 26 March 1998), it was suggested that if NATO does not change its nuclear weapons policy, Canadians should enter into a public debate about whether to continue membership in NATO.

The logic of Canada's involvement in a regional security body outside its region was questioned.

There was a wide consensus in the group that Canada's involvement in NATO and NATO's policy should be the subject of informed and public debate.

Concerns with NATO's contribution to security

Concern was expressed over NATO's contribution to security on three levels. First, regional security does not necessarily contribute to global security. The role NATO plays in maintaining Europe's privileged position in an unbalanced global economy was raised. It was further claimed that NATO kept the peace in Europe during the cold war by exporting its wars elsewhere. Funds directed to the UN might be more effective in establishing global security.

Second, it was argued that NATO, and particularly NATO expansion, threatens Russia and in this way increases regional instability. Although the vocabulary of confidence-building and transparency is being employed, in practice, NATO decision-making is not transparent. There is a danger that NATO underestimates the degree to which the expansion generates Russian fear and distrust. Resources might be better channelled to non-nuclear security bodies which don't have NATO's Cold War history and hence are less threatening to Russia, such as the UN, WEU, and the OSCE.

Third, it was argued that militarization does not build security. Real security is based on a flourishing civil society, strongly democratic government, and the rule of law.

NATO is not well-suited to contribute to the flourishing of civil society. The encouraging direction that NATO seemed to be taking in the early 90's, broadening its definition of security, and instituting such projects as Partnership for Peace, seems to have been abandoned. Far from developing civil society, NATO expansion is diverting money from social projects - which would develop civil society - to militaries in Eastern Europe. Resources directed towards social programmes or toward security bodies such as the UN, WEU, and OSCE with greater capacity in this area might secure Europe more effectively.

NATO's ability to promote democratic government was questioned with the example of its member Turkey. NATO's own closed policy-making is not a model of democracy, and does not lend itself to building the confidence between people and governments necessary to a healthy democracy. Funds might better be employed in the service of democratization through another body, perhaps the UN.

NATO's nuclear weapons policy is in violation of the Advisory Opinion of the International Court of Justice. Funds spent on the development of international law and non-military means of ensuring that the law is respected will be more effectively used to establish long-term security. A stronger rule of law will, in turn, bring about an increased faith in government, strengthen democracy, and promote security.

It was concluded that we need a debate on whether NATO promotes peace and stability or not, on whether our resources can be more effectively used for security through some other body, and, again, on whether nuclear weapons provide security, especially in the new environment.

2.5.2 Principles and Concerns

Decision-making should be democratic and based on open, informed public debate.

- NATO is very closed and seemingly impervious to public opinion.
- In the recent Angus Reid poll, Canadians have indicated their desire for Canada to play a leading role in abolishing nuclear weapons; they have also indicated a desire to remain in NATO.
- There is little knowledge about these issues in the general public in Canada.

Canadian policy should respect and strengthen international law.

- NATO's nuclear policy contravenes the International Court of Justice Advisory Opinion on nuclear weapons.
- NATO plays a role in delaying action on article VI of the NPT treaty.

Canadian policy should be based on a review of NATO's contributions to overall stability and security, with due consideration given to alternatives to military force in promoting them.

- It is not clear whose security NATO protects.
- NATO's nuclear policy and expansion create a tension with Russia.

2.5.3 *NATO and Civil Society Policy Options*

Canadian education and participation in policy-making

- Foster citizen participation in NATO and nuclear policy decision-making by creating a website with postings about upcoming NATO decisions, news from the Conference on Disarmament, background information about Canada's nuclear policy and NATO, and a chat-line.
- Produce and circulate widely a quarterly newsletter from Canada's Ambassador on Disarmament.
- Produce public news releases on upcoming NATO decisions.
- Educate and consult with Canadians on full range of Canadian obligations and benefits attached to its NATO membership.
- In light of Canadian public support for Canada's taking a leadership role in the abolition of nuclear weapons (Angus Reid poll, 26 March 1998), initiate a public debate about whether to continue membership in NATO if NATO does not change its nuclear weapons policy.
- Make funding available to small, community-based groups to conduct public forums and education on NATO's nuclear policy, the International Court of Justice Advisory Opinion, and article VI of the NPT.
- Provide funding for the education of Canadians, particularly youth, about historically successful resolutions of international and domestic conflicts by non-violent means (through, for example, UN diplomacy and popular movements).
- Establish a civil society advisory group to DFAIT to help Canada develop its policy on nuclear issues and NATO.
- Hold a consultative forum including peace activists and academics, military and policy-makers to review Canadian involvement in NATO, particularly with respect to its nuclear policy.
- Consider including (gender-balanced) NGO representatives (chosen from a slate nominated by grassroots groups) in its delegations to NATO.

- Make the Standing Committee on Foreign Affairs more accessible and open to public input.

Building international links

- Fund the development of civil society links between Canada and the US, towards building American public opinion for nuclear abolition and awareness of US and NATO nuclear policy and increasing American public support for the UN.
- Provide funding for civil society links between Canada and Russia, including exchange scholarships.
- Work to mitigate tension between Russia and NATO, including funding peacebuilding projects in Russia and taking other measures designed to build civil society in Russia.
- Canadian parliamentarians could play a role by forging links with parliamentarians in nuclear weapons states on the nuclear issue.
- Take action to foster civil society and enhance communication among people globally.

Canadian participation in international fora

- Conduct a review of Canadian nuclear policy and international obligations in light of the International Court of Justice Advisory Opinion and revise policies accordingly.
- Make a public declaration of support for the Internatonal Court of Justice Advisory Opinion.
- Make Canadian nuclear policy public and vote in the UN consistently with stated policy.
- Support the Malaysian resolution in November 1998.
- Become a leader in nuclear disarmament in the model of Norway's role in the Middle East peace process.
- Support the Middle Powers Initiative.
- Consider going directly to nuclear states rather than trying to work through NATO in its efforts to abolish nuclear weapons.
- Conduct a review of NATO's contribution to broadly defined, regional and international security since 1991 while simultaneously working within NATO towards a rejection of NATO's nuclear policy, and, on the basis of these two efforts, make a decision on whether to continue membership in NATO.
- Divert resources from NATO to bodies and programmes capable of building broad, collective security more effectively and without nuclear weapons (eg UN, International Criminal Court, peace-building projects).
- Take a stand on non-violent conflict resolution in international fora, and foster a global culture of non-violent means of resolving conflict and bringing about political change.

Policy research and development

- Encourage the study of and consult on the Model Nuclear Weapons Convention.
- As a millenium project, establish an arms-length institute for the advancement of international law, perhaps at Royal Roads in BC.
- Fund the study of alternative, non-military, means of enforcing international law, including sanctions.
- Support research into non-violent conflict resolution.

3 Concluding Remarks

3.1 Doug Roche

There are a number of paradoxes that characterize the international scene and Canada's relationship to it. While NATO is reviewing its Strategic Concept, it announces that its nuclear posture will not change until a "European security architecture" is formed and regional security exists. However, many non-nuclear weapon states believe that retaining nuclear weapons into the 21st century is itself a source of destabilization.

Canada has said that nuclear disarmament negotiations are not conditional on obtaining conventional disarmament. It has committed itself to uphold the ICJ; however, it voted against starting the negotiations which the ICJ says must begin and be concluded. Canada wants to espouse international law, yet it also wants to maintain allegiance to NATO.

The NPT and NATO seem to split the focus of Canadian foreign policy, so that DFAIT and DND are saying different things. Perhaps Canada can find a way to bring the ICJ and NATO together. A key question is whether Canada can influence NATO policy, or is itself driven by NATO policy.

Although it may not be wise to base Canadian government policy on the results of public opinion polls, government can be informed by polls. The Angus Reed poll demonstrates the commitment of Canadians to both nuclear abolition and NATO. Canada has commitments to NATO, the NPT, and the ICJ and needs to build better dialogue and partnerships among them. It is necessary to recognize how military alliances should, and could, function in the post-Cold War era.

There is a sense of urgency around de-alerting and no first use. The Ottawa Process was not achieved alone; nuclear weapon policy change cannot be done alone, either. Canada could consider using the NPT Review in 2000 to work within a new coalition of middle powers to promote de-alerting and no first use. An alliance of middle powers could contribute to changing US public opinion.

There is also a need for better information and debate in Canadian society. NGOs have a responsibility here as well. There are people in government who want to move ahead but are constrained; they need the support of NGOs. Currently there is not enough pressure from the public and NGOs. The public must be mobilised on the issue to take advantage of the window of opportunity. Again, while NGOs can help promote the issue, government assistance is necessary. By working together, it will be possible to find ways to overcome the challenges.

3.2 Steven Lee

In regard to sanctions as alternatives to military enforcement of international law, the CCFPD is about to implement a research project to examine the history of sanctions and their efficacy. Lee will share the results of the study.

Comments made regarding the Arctic will be passed on to the authors of a discussion paper on the subject.

As part of the public contribution to the discussion, a formal report of this meeting will be forwarded to the Director of Policy Planning in DFAIT, to Minister Axworthy, and to Paul Meyer and other departmental officials. It has also been recommended that a copy be sent to the Parliamentary Committee. Delegates can expect follow-up information on any resulting speeches or policy developments in about a month.

Appendix A CCPFD Memo to Minister Axworthy

MEMORANDUM

Date: 24 April 1998

To: The Hon. Lloyd Axworthy, M.P., P.C.
Minister for Foreign Affairs

From: Steve Lee, National Director
Canadian Centre for Foreign Policy Development

Subject: Summary Report on the Seminar, "Practical Steps for Canadian Policy Development on Nuclear Weapons Issues," 27 March 1998

c.c. Ferry De Kerckhove, CPD
Rob McRae, CPP
Andre Ouellette, CPP
Paul Meyer, IDC
Charles Court
Bill Graham, M.P., Chair, Standing Committee on Foreign Affairs
Gerry Schmitz, Library of Parliament

Several common themes emerged from the seminar. These themes include:

- a strong interest for a larger public role through conferences, negotiations, fora, advisory groups, and public opinion;
- a strong interest for active Canadian leadership and initiative in NATO review, No-First-Use, De-alerting, World Court clarity, the NPT, nuclear-free zones, help to Russia, stronger international law, and flexible coalitions;
- a strong interest in a special role for middle powers (Canada) to promote nuclear disarmament, NPT, and No-First-Use in NATO; and
- the need for government to provide more information about the World Court ruling, NATO obligations, the NPT, and the rule of law; in this regard, better co-ordination of information, education and perspectives between DFAIT and DND should be included.

The seminar raised other issues:

- the role and nature of civil society;
- sanctions as an enforcement mechanism to promote nuclear disarmament;
- the Arctic, submarines, and nuclear issues; and
- a desire for foreign policy issues to be raised during federal election campaigns.

NB This one page summary was accompanied by a summary of policy recommendations from each Working Group.

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